

ORDINANCE REPEALED 11/15/2010

EFFECTIVE 11/20/2010

Chapter 45 – Moratorium on Marijuana Dispensaries

- 100 Applicability and Purpose: This moratorium shall apply to Marijuana Dispensary, as defined below, that may be proposed to be located within the City of Brewer on or after the effective date of this Ordinance.
- 200 Prohibition: During the time this Ordinance is in effect, no officer, official, employee, office, board, or agency of the City of Brewer shall accept, process, approve, deny, or in any other way act upon any application for a building permit, certificate of occupancy, site plan review and/or any other permits related for such use. No person or organization shall develop or operate Marijuana Dispensaries within the City of Brewer on or after the effective date of this prohibition.
- 300 Enforcement, violation, and penalties: If Marijuana Dispensaries are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate offense for this purpose. The City shall be entitled to all rights available to, but not limited to, it in law and equity, including its reasonable attorney fees and costs in prosecuting any violations.
- 400 Definitions:
As used in this Ordinance, the following terms have the following meanings:
- a. “Marijuana” shall have the definition set forth in Title 17-A M.R. S. A. Section 1101 (1).
 - b. “Marijuana Dispensaries” means a one or more marijuana dispensary, facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed to any person or entity authorized to receive it under Maine Law.
- 500 Effective date: This Ordinance shall take effect on January 24, 2010 and remained in effect for a period of one hundred eighty (180) days after that date, further extended for a period of one hundred eighty (180) days after June 13, 2010, as the City Council has made the necessary findings under Title 30-A M.R.S.A. § 4356(2), and shall continue unless repealed, or modified by the Brewer City Council. (#2)
- 600 Pending proceedings: Notwithstanding the provisions of Title 1 M.R.S.A § 302, this Ordinance shall apply to any proposal to establish a Marijuana Dispensary, whether or not an application or proceeding to establish said use would be deemed a pending proceeding under Title 1 M.R.S.A. § 302.

- 700 Action by the City Council and Planning Board: During the effective period of this Ordinance, the Planning Board & Council appointed staff, shall expeditiously act to review the implications of such a facility/clinic on, among other things, the health, safety, welfare, traffic, law enforcement, land use, aesthetics, property value, and environmental impacts on the City of Brewer and its citizens. Toward the end of the Moratorium, the City will hold at least one public hearing and receive input from interested parties. The Planning Board and interested parties shall endeavor to submit recommendations for permanent action within 160 days of the effective date of this Ordinance.
- 800 Severability: Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

END OF CHAPTER NOTATIONS

Enacted January 19, 2010	effective January 24, 2010	(2010-C003)
Enacted June 1, 2010	effective June 1, 2010	(2010-A086)

